

9 APRIL 1947

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9 APRIL 1947

I N D E X
of
EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
926	2422		Affidavit of TANGE, Kunji		19599
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1 Wednesday, 9 April 1947

2 - - -

3 INTERNATIONAL MILITARY TRIBUNAL
4 FOR THE FAR EAST
5 Court House of the Tribunal
6 War Ministry Building
7 Tokyo, Japan

8 The Tribunal met, pursuant to adjournment,
9 at 0930.

10 - - -

11 Appearances:

12 For the Tribunal, same as before.

13 For the Prosecution Section, same as before.

14 For the Defense Section, same as before.

15 - - -

16 (English to Japanese and Japanese
17 to English interpretation was made by the
18 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except OKAWA, TOGO and OKA. We have certificates
5 from the surgeon of Sugamo Prison to the effect
6 that the accused TOGO and OKA are ill and unable to
7 attend the Trial today. The certificates will be
8 recorded and filed.

9 Mr. Lazarus.

10 MR. LAZARUS: Mr. President, I am the chair-
11 man of the Chinese phase which will follow the Manchurian
12 phase, and of the Russian phase which will follow the
13 China phase.

14 In the interest of saving time in the
15 presentation of our evidence, Mr. President, I re-
16 spectfully ask permission to make a suggestion for
17 a slight change in the present rules of procedure. We
18 think, sir, that it would be best if we could have,
19 where possible, an American counsel to read the affidavit
20 and to have a Japanese counsel conduct the redirect
21 examination if such may be deemed necessary. At
22 present, whoever conducts the direct examination must
23 also conduct the redirect examination. In other words,
24 the American counsel reading the affidavit must also
25 handle the redirect. We will, if necessary sir, designate

1 both counsel in advance, if the Court so desires, who
2 will conduct the direct and who the redirect.

3 THE PRESIDENT: Why is it necessary, Mr.
4 Lazarus?

5 MR. LAZARUS: We think the suggestion would
6 save time, sir. If an American counsel read the
7 affidavit he could read much more rapidly and the
8 Japanese could be read over the intercom much more
9 rapidly by the translators.

10 THE PRESIDENT: I see.

11 MR. LAZARUS: Also, sir, the qualifying of
12 the witness can be handled much more rapidly by
13 an American counsel and the reading of the affidavit
14 could be followed much more easily, we respectfully
15 suggest, by the Tribunal if it were read from the
16 lectern in English, sir.

17 THE PRESIDENT: The Judges have found noth-
18 ing wrong with the present system, but a majority
19 of the Judges are prepared to adopt your suggestion.
20 Having adopted rules we are reluctant to depart from
21 them unless it is necessary or highly desirable; but
22 your suggestion will be given a trial.

23 MR. LAZARUS: Thank you, sir. We won't use
24 it all the time but we do think we will use it most
25 of the time, Mr. President. We do think it will save

some time, sir.

1 MR. ROBERTS: Mr. President.

2 THE PRESIDENT: Mr. Roberts.

3 MR. ROBERTS: We now call the witness, TANGE,
4 Kunji, who will be examined by Mr. SOMIYA.

5 THE PRESIDENT: Counsel SOMIYA.

6 MR. SOMIYA: I ask for the summoning of witness --
7 as witness of TANGE, Kunji.
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K U N J I T A N G E, called as a witness

1 on behalf of the defense, being first
2 duly sworn, testified through Japanese
3 interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. SOMIYA:

6 Q Your name?

7 A TANGE, Kunji.

8 Q Your age?

9 A I am 63.

10 Q Your address?

11 A My address is 2372 Midorigaoka, Meguro-ku,
12 Tokyo.

13 MR. SOMIYA: May the witness be shown defense
14 document No. 926.

15 (Whereupon, the document above
16 referred to was handed to the witness.)

17 Q Mr. Witness, did you write that affidavit?

18 A Yes.

19 Q Is the signature and the seal your signature
20 and seal?

21 A Yes.

22 MR. SOMIYA: I present defense document No.
23 926 as evidence.

24 THE PRESIDENT: Brigadier Nolan.
25

1 BRIGADIER NOLAN: May it please the Tribunal,
2 the prosecution object to defense document No. 926
3 in its entirety, which document deals with the
4 Nanking Incident of the 1st of February, 1932. That
5 particular Incident has been fully explored by the
6 Lytton Commission, and, an examination of pages 87
7 and 88 of the report of that Commission disclose that
8 the facts of this particular Incident are set out
9 with some particularity based upon the evidence from
10 both Japanese and Chinese sources adduced before the
11 Commission.

12 In addition, the views of the opposing
13 parties as to the origin of the Incident are set
14 out with particularity and in detail. This affidavit,
15 in our submission, adds nothing to what is contained
16 in the report, is repetitive and should be rejected
17 in its entirety.

18 MR. ROBERTS: In the first place, the
19 prosecution saw fit to produce witnesses on the shell-
20 ing of Nanking. The second point we want to make is
21 these defendants are not bound by the Lytton Report
22 in its entirety. We submit, we have a right ---

23 THE PRESIDENT: We do not hold ourselves
24 bound by the findings in the Lytton Report. It is
25 some evidence of the facts.

1 MR. ROBERTS: However --

2 THE PRESIDENT: If the facts in the Lytton
3 Report cover the statement in the affidavit about
4 to be tendered, this affidavit is probably repetitive.
5 But we have an advantage here that we would not have
6 if we confined ourselves to the Lytton Report to the
7 facts covered by this witness. We see him.

8 MR. ROBERTS: That is right.

9 THE PRESIDENT: I think I better use about
10 three words at a time.

11 MR. ROBERTS: In addition --

12 THE PRESIDENT: We will hear him cross-
13 examined and his demeanor may be important.

14 This decision will cover similar cases, but
15 we hope you won't take advantage of it to call witnesses
16 unnecessarily.

17 The objection is overruled and the affidavit
18 admitted on the usual terms. I notice the affidavit
19 is taken before a Mr. SOMIYA. Is that you, counselor?

20 MR. SOMIYA: Yes, your Honor.

21 THE PRESIDENT: Such an affidavit would
22 not be admitted in a British court, but there is no
23 objection to it here.

24 CLERK OF THE COURT: Defense document 926
25 will receive exhibit No. 2422.

TANGE

DIRECT

19,599

(Whereupon, the document above re-
ferred to was marked defense exhibit No.
2422 and received in evidence.)

TANGE

DIRECT

1 MR. SOMIYA: I shall read Court exhibit 2422:

2 "Affidavit.

3 "I retired from the Navy in November 1936
4 with the title of Rear-Admiral, and have been engaged
5 in business since then till the termination of the war.

6 "I was appointed captain of the cruiser Hirato
7 (approximately 5,000 tons) in December 1930. The
8 cruiser Hirato was attached to the First Overseas
9 Service Squadron at that time and was engaged in the
10 guarding of the Yangtze River waters. Since the out-
11 break of the Manchurian Incident in September 1931
12 the anti-Japanese movement became acute in the districts
13 along the Yangtze River, including Shanghai, Nanking
14 and Hankow.

15 "On January 27, 1932, the cruiser Hirato,
16 which had been anchored at Shanghai, weighed anchor
17 and reached Nanking on the 28th. At the time of
18 departure Rear-Admiral SHIOZAWA, Koichi, commander of
19 the Squadron, instructed me as follows:

20 "'Both the Japanese Government and Navy are
21 taking the policy of localizing the Manchurian
22 Incident. Attend to the protection of the residents
23 in Nanking with the utmost care and prudence so that
24 no trouble may be caused.'

25 "With the news of the outbreak of the Shanghai

TANGE

DIRECT

1 Incident on January 29, 1932, the Japanese consul,
2 the resident military and naval officers, and all the
3 other Japanese residents took refuge in the Japanese
4 steamship Un-Yo-Maru as an emergency measure. The
5 luggage of the residents was carried to a wharf of the
6 Nisshin Steamship Company, where it was guarded by a
7 section of the landing forces dispatched from the
8 cruiser Tenryu. On the Yangtze River off Nanking
9 there were at that time six Japanese naval vessels
10 including the cruisers Hirato, Tenryu and Tsushima
11 and three destroyers together with one British war-
12 ship, one American destroyer and about ten Chinese
13 warships.

14 "In the early morning of January 29th Commander
15 SHIOZAWA sent a message, through myself, to Admiral
16 Chen Shao-Kuan, the Chief of the Chinese Navy Depart-
17 ment, in which he stated, 'Although an untoward incident
18 has broken out in Shanghai, Japan does not regard China
19 as an enemy, but is merely hostile towards the 19th
20 Route Army which has assumed a defiant attitude toward
21 Japan. I hope the intimate friendship between China
22 and Japan may be continued as before.' To this Admiral
23 Chen Shao-Kuan replied that he agreed with Commander
24 SHIOZAWA and that he would see to it that when pass-
25 ing by a Japanese warship the Chinese vessels would

TANGE

DIRECT

1 avoid any action which might cause a misunderstanding.
2 In the morning of February 1st, Captain Kao Hsien-chia,
3 Captain of the Chinese warship Haiyung paid us a visit
4 and said it was regrettable that the 19th Route Army
5 was fighting the Japanese in Shanghai, and it was the
6 desire of the Chinese Navy to remain on friendly terms
7 with the Japanese. In the afternoon I went to return
8 his call. And otherwise everything went on as usual.

9 "At about eleven o'clock in the night of
10 February 1st, there was firing from the Shihtzeshan
11 Battery in the line of forts near Nanking. Shots were
12 heard from the wharf of the Nisshin Steamship Company.
13 Just then I perceived our comrade vessels Tenryu and
14 Tsushima returning the fire, and then we received a
15 request for assistance from the section guarding the
16 wharf. The above-mentioned shots from the wharf were
17 heard almost simultaneously with the bombardment from
18 Shihtzeshan Battery and it was the sound of rifle fire
19 and grenades coming from a point on the Chinese side
20 near the wharf. One of our third grade seamen was
21 killed and another wounded as a result of the firing.

22 "To cope with this situation, I, being the
23 commander-in-chief, ordered the steamship Un-Yo-Maru
24 (anchored alongside the wharf of the Nisshin Steamship
25 Company) to weigh anchor, as I was worried about the

TANGE

DIRECT

1 possible danger to the residents. I also commanded
2 the section guarding the wharf to return to the comrade
3 vessel Tenryu. Since no more attacks from the battery
4 followed, I ordered our warships to 'hold fire' and
5 then to 'cease firing.' We informed the British and
6 American warships, which were anchored at the place,
7 of the situation.

8 "We observed the situation until morning
9 with every precaution. However, the skirmish seemed
10 to have come to an end, as there was no further bombard-
11 ment from the fort. We had merely shelled several
12 times in response. The distance between the Shihtzeshan
13 Battery and Japanese warships was two thousand meters.
14 We lodged a protest with the Chinese authorities
15 through our consul and requested them to make repar-
16 ation for the death of the sailor and for the luggage
17 carried off the wharf.

18 "TANGE, Kunji.

19 "This 28th day of March 1947."

20 Q Are there any errors in the affidavit as
21 I just read it?

22 A No errors.

23 THE PRESIDENT: Any cross-examination?

24 Mr. Ao.

25 DR. AO: If the Court please, I desire to ask

TANGE

CROSS

1 the witness a few questions.

2 CROSS-EXAMINATION

3 BY DR. AO:

4 Q Mr. TANGE, on page 1 of your affidavit you
5 stated that at the time of your departure from Shanghai
6 to Nanking on January 27, 1932, you were instructed
7 by your commander SHIOZAWA that you must afford protec-
8 tion to the Japanese residents in Nanking "with the
9 utmost care and prudence so that no trouble may be
10 caused," were you not?

11 A Yes, I received such instructions.

12 Q On page 2 of your direct, middle of the page,
13 you also stated that courtesy calls were exchanged
14 between the Chinese and the Japanese authorities and
15 everything went on as usual, was it not?

16 A Yes.

17 Q Now, in spite of the instructions you received
18 and the normal relations then existing you did land
19 a naval force on shore, did you?

20 A The naval landing party was not landed on
21 shore but on --

22 THE INTERPRETER: We are stuck on a certain
23 technical term.

24 A (Continuing) The naval landing party was not
25 landed on shore but on a "something" to protect the

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1 Q Mr. TANGE, did you know that your landing
2 naval forces on shore had drawn protests from the
3 Chinese authorities? Did you know that?

4 A I do not know.

5 Q Did you know that the Japanese consul at
6 Nanking said he was unable to do anything in the
7 matter? Did you know that?

8 THE PRESIDENT: Mr. Roberts.

9 MR. ROBERTS: If your Honor please, the man-
10 ner of the question of getting testimony in of the
11 Japanese consul I think is improper, and I object to
12 the question on that ground.

13 THE PRESIDENT: I think he is entitled to put
14 his own evidence to the witness for acceptance or re-
15 jection. That is common enough.

16 MR. ROBERTS: He is assuming a state of facts
17 which are not in evidence.

18 THE PRESIDENT: I understand that comes from
19 the Lytton Report which, by the way, also says there was
20 a landing on the wharf.

21 The objection is overruled.

22 MR. ROBERTS: I did not understand the state-
23 ment that he made as coming from the consul as being
24 from the Lytton Report. That was the reason for my
25 objection.

TANGE

CROSS

1 Q Now, Mr. TANGE, did you know that Nanking,
2 unlike Shanghai or Hankow where there were interna-
3 tional settlements and concessions, was but only a
4 treaty port, you are not supposed to land naval forces
5 on shore? Did you know that?

6 MR. ROBERTS: I object to that question, if
7 your Honor please, as calling for an opinion from this
8 witness, and also being outside the scope of the exam-
9 ination.

10 THE PRESIDENT: Will the reporter read that
11 question, please?

12 (Whereupon, the question was read
13 back by the official court reporter.)

14 MR. ROBERTS: Also argumentative I believe.

15 THE PRESIDENT: No, I think that question
16 is allowable. Objection overruled.

17 Q Now, Mr. TANGE--

18 THE PRESIDENT: Well, he hasn't answered it,
19 has he?

20 THE WITNESS: Must I answer that question?

21 THE PRESIDENT: Yes.

22 A I think it is quite proper to land the naval
23 landing party if and when necessary to protect resi-
24 dents.

25 Q Mr. TANGE: In the last paragraph on page 2

TANGE

CROSS

1 of your affidavit you stated that shots were heard
2 from the wharf of the Nisshin Steamship Company. What
3 time was it?

4 A About 11 o'clock.

5 Q Was it at night?

6 A About 11 o'clock at night.

7 THE PRESIDENT: Don't get him to repeat what
8 he said in his affidavit. He says it was about 11
9 o'clock on the night of the 1st of February. Leave
10 it at that unless you question it.

11 Q Now, in view of the position at what you
12 said in the affidavit you were two thousand meters
13 away from the steamship company wharf, and at the
14 time the visibility, would it be possible that your
15 landing forces were doing the firing?

16 A I am sorry, I am unable to hear over this
17 machine.

18 THE PRESIDENT: Make sure the witness'
19 earphones are in order. We can't have him misappre-
20 hending questions and giving wrong answers.

21 THE MONITOR: Will the American reporter
22 repeat that question again. We would like to re-
23 translate it because the witness may have misunder-
24 stood it.

25 (Whereupon, the question was read

1 back by the official court reporter.)

2 MR. ROBERTS: I object to the question, first
3 because the statement that the warship was two thou-
4 sand meters from the steamship was incorrect, in that
5 the affidavit states in the last paragraph that it
6 was the distance between the Shihtzeshan Battery and
7 the warships, not the steamship company.

8 Q Now, I would like to change my question.
9 How far was it from your ship to the wharf, to the
10 Nisshin Steamship Company wharf?

11 A About seven hundred meters.

12 Q Now, I come back to my last question. In
13 view of the position, the visibility, the time, would
14 it be possible that the Japanese naval forces were
15 doing the firing?

16 MR. ROBERTS: I object to asking him what
17 was possible.

18 THE PRESIDENT: Objection overruled.

19 Of course, he can ask or suggest that there
20 was a mistake.

21 A There is no case of the Japanese side
22 firing.
23
24
25

TANGE

REDIRECT

1 Q Would it be also possible that the excited
2 Chinese population in Nanking that night were firing
3 crackers celebrating a supposed victory at Shanghai?
4 Would it be possible?

5 THE PRESIDENT: That question is pointless
6 from the prosecution's viewpoint. It only tends to
7 excuse what was done, if it is excusable. I can
8 understand the defense putting questions like that to
9 raise reasonable doubt, but I cannot understand the
10 prosecution.

11 Q Will you please answer my question?

12 THE PRESIDENT: No, don't.

13 LR. AO: That concludes my cross-examination.

14 THE PRESIDENT: Counsel SOMIYA.

15 MR. SOMIYA: I shall ask the witness a,
16 question.

17 REDIRECT EXAMINATION

18 BY MR. SOMIYA:

19 Q The position of the landing party, was it on
20 the wharf or on the pier?

21 A On the wharf.

22 THE INTERPRETER: Correction: "The position
23 of the landing party, was it on the pier or on the hulk?"

24 The witness' reply: "The hulk."

25 Q What is the difference between a hulk and a

TANGE

REDIRECT

1 pier? Would you please answer?

2 A The hulk is sort of a float which looks some-
3 what like a barge and this is tied to the land, and
4 between these barge-like hulks there is a pier to
5 which these barges are tied to create sort of a
6 thoroughfare.

7 Q Then the hulk is on water, is it not?

8 A Yes.

9 Q Then, is it that the landing party was not
10 on land but on water on the hulk?

11 A Yes, it was on water.

12 MR. SOMIYA: No more questions.

13 THE PRESIDENT: The witness is excused on
14 the usual terms. I understand that after three-
15 quarters of an hour we are just where the Lytton
16 Report left it, on page 88.

17 (Whereupon, the witness was excused.)

18 MR. SOMIYA: May I state to the Tribunal
19 that in the translation of the affidavit, "hulk" is
20 mistranslated as "wharf."

21 THE PRESIDENT: We will refer it to the
22 Language Section.

23 MR. SOMIYA: Mr. Roberts will continue with
24 the presentation of evidence.

25 THE PRESIDENT: Mr. Roberts.

ARIMA

DIRECT

1 MR. ROBERTS: We now call the witness
2 ARIMA, Narisuke.

3 - - - -

4 N A R I S U K E A R I M A, called as a witness
5 on behalf of the defense, being first duly
6 sworn, testified through Japanese interpreters
7 as follows:

8 DIRECT EXAMINATION

9 BY MR. ROBERTS:

10 Q What is your name?

11 A ARIMA, Seiho.

12 Q Where do you live?

13 A 225 Hozawa-machi, Itchome, Setasaya-ku,
14 Tokyo.

15 MR. ROBERTS: I ask that the witness be
16 shown defense document No. 919.

17 (Whereupon, a document was handed
18 to the witness.)

19 Q Will you please look at defense document 919
20 and tell us whether or not that is your affidavit?

21 A This is my affidavit.

22 MR. ROBERTS: I offer it in evidence.

23 THE PRESIDENT: We have no copies.

24 Brigadier Nolan.

25 BRIGADIER NOLAN: May it please the Tribunal,

ARIMA

DIRECT

1 in this document No. 919, the deponent sets out a
2 description of a trip he made to Shanghai in February
3 of 1932. He then proceeds to express his opinion as
4 to the basic cause of the war in China. In support
5 of that view he refers to certain anti-Japanese move-
6 ments which developed in China and to the manner in
7 which cases were handled in a certain court in that
8 country. In further support, he quotes verbatim from
9 the speech of a civic official in Shanghai, which
10 official expresses his opinion as to what was actually
11 the cause of the outbreak of hostilities in that country.
12 And, finally, he supports his opinion by quoting an
13 excerpt from a book which is not produced, the work
14 of a Chinese author.

15 In the submission of the prosecution, this
16 document offends against those principles which have
17 been laid down by the Tribunal for the preparation
18 of affidavits. We submit that it is a mixture of
19 quotation and argument, and should be rejected in
20 its entirety.

21 THE PRESIDENT: Mr. Roberts.

22 MR. ROBERTS: The facts to be related by
23 this witness were obtained on a spot investigation in
24 Shanghai at the time that the incident was taking
25 place. He was sent there for the purpose of seeing

ARIMA

DIRECT

1 the parties involved and getting the facts firsthand.

2 In any case where authorities are referred
3 to, this witness is prepared to submit and show to
4 the Court the documentary proof, which will be marked
5 for identification.

6 These facts as related by this witness and
7 coming from third persons who are not Japanese, will
8 substantiate the contention of the defense. In
9 addition thereto, under the Charter investigative
10 reports are admissible.

11 THE PRESIDENT: By a majority the Court
12 upholds the objection and rejects the document as
13 having no probative value.

14 We will recess for fifteen minutes.

15 (Whereupon, at 1045, a recess was
16 taken until 1100, after which the proceedings
17 were resumed as follows:)
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OYAMA

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Roberts.

4 MR. ROBERTS: The defense--

5 LANGUAGE ARBITER (Major Moore): Mr. President,
6 with the permission of the Tribunal we submit the fol-
7 lowing language correction: Exhibit 2422, substitute
8 "hulk" for "wharf" in the following places: page 2,
9 line 1, and from the bottom, lines 7, 5, 4, and 2.

10 MR. ROBERTS: In view of the Court's ruling
11 previous to the recess this witness may be excused.

12 THE PRESIDENT: He is at liberty on the usual
13 terms.

14 (Whereupon, the witness was excused.)

15 MR. ROBERTS: The defense now desires to call
16 the witness OYAMA, whose affidavit was not processed
17 several days ago. He will be examined by Mr. BANNO.

18 THE PRESIDENT: Mr. BANNO.

19 - - -

20
21 A Y A O O Y A M A, called as a witness on behalf
22 of the defense, being first duly sworn, testified
23 through Japanese interpreters as follows:

24 DIRECT EXAMINATION

25 BY MR. BANNO:

Q Your name?

1 A OYAMA, Ayao. My name is OYAMA, Ayao.

2 Q Your address?

3 A My address: No. 8, 1-Chome, Nagata-cho,
4 Chiyoda-ku, Tokyo.

5 Q The date of birth?

6 A January 2, 1883.

7 MR. BANNO: May the witness be shown defense
8 document No. 897.

9 Q Is that your affidavit?

10 A Yes, it is.

11 MR. BANNO: I produce in evidence defense
12 document No. 897.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Defense document No. 897
15 will receive exhibit No. 2423.

16 (Whereupon, the document above referred
17 to was marked defense exhibit No. 2423 and
18 received in evidence.)

19 MR. BANNO: I shall read exhibit No. 2423.
20 I shall read from No. 4:

21 "4. I held the directorship of the Judicial
22 Affairs Bureau in the Kwantung Army as an army legal
23 officer (then 3d grade of the KOTO rank) from June 21,
24 1929 (Showa 4) to December 20, 1933 (Showa 8).

25 "5. While I was in that office, there came

OYAMA

DIRECT

1 the outbreak of the Mukden Incident on September 18,
2 1931 (Showa 6).

3 "6. Upon the outbreak of this incident, I
4 went under orders to Mukden with the staff of the
5 Kwantung Army Headquarters. Proceeding to the actual
6 site, on September 23 of the same year, in cooperation
7 with the authorities concerned, we examined the con-
8 dition of the South Manchurian Railway which had been
9 blasted at Lieutikow. The member of the party who
10 were engaged in the investigation were: USUDA, Kanzo,
11 Infantry Major attached to the Kwantung Army Head-
12 quarters (staff officer); OYAMA, Ayao, OKADA, Chiichi,
13 and FURUKAWA, Seichi, Army Legal Officer of the
14 Kwantung Army Headquarters; TSUMA, Kanzo, Gendarmerie
15 Major of the Kwantung Gendarmerie; SHIMAMOTO, Masaichi,
16 Lieutenant Colonel of the Second Infantry Battalion
17 of the Independent Garrisons; ITAKURA, Itaru,
18 Infantry Captain of the Kwantung Army Headquarters;
19 TAMURA, Kazuo, Surgeon Captain of the Kwantung Army
20 Headquarters; and MAEKAWA, Kazuma, army clerk, who
21 acted as witness and stenographer.

22 "7. On the basis of the above-mentioned
23 investigation, the party drew up the Report of the
24 Investigation of the Blasting of the South Manchurian
25 Railway and filed it with the authorities.

OYAMA

DIRECT

1 "8. The document consisting of five sheets,
2 including the cover, which was drawn up on September
3 23, 1931, and entitled the 'Report of the Investigation
4 of the Blasting of the South Manchurian Railway,' is
5 a copy of the original report drawn up at that time.
6 I certify that the content is the same as that of
7 the original.

8 "9. The document drawn up by the Kwantung
9 Army Staff Office and entitled 'Table of Incidents
10 concerning Manchuria and Mongolia in the Last Four
11 Years,' is a copy of the original which the Kwantung
12 Army Staff Office distributed to the parties con-
13 cerned after the investigation. It consists of
14 fifteen sheets, including the cover and an appended
15 paper. As the director of the Legal Affairs Bureau
16 of the Kwantung Army I read the original at the time
17 of its writing, and I certify that as far as I remember
18 the content of this copy is the same as that of the
19 original."

20 THE PRESIDENT: Mr. Comyns Carr.

21 MR. COMYNS CARR: I was wishing to object
22 to the last paragraph 9 of this affidavit being read
23 on the ground that the document therein referred to
24 is not exhibited to the affidavit nor identified in
25 any way and as far as I know has not been served.

OYAMA

DIRECT

1 THE PRESIDENT: The absence of the original
2 must be accounted for.

3 MR. COMYNS CARR: Your Honor, not even a copy
4 has been served or is attached to the affidavit.

5 MR. BANNO: May I explain, your Honor?

6 With reference to the documents referred to
7 in paragraph 9 of the affidavit, I wish to state that
8 preparations for their processing had not been made,
9 having had no time; that we had hoped to withdraw it
10 and therefore I have chosen to make an explanation of
11 this matter after the reading of the affidavit.

12 THE PRESIDENT: This witness may be able to
13 testify to the facts themselves, apart from any docu-
14 ment, if his recollection is clear enough. Try him.
15 I understand the copy attached is not the document
16 referred to in paragraph 9.

17 MR. COMYNS CARR: That is the document referred
18 to in paragraph 8, your Honor.

19 THE PRESIDENT: Yes. The shortest thing to
20 do is to uphold the objection. It goes only to para-
21 graph 9. The objection is upheld. Paragraph 9 will
22 be disregarded.

23 MR. BANNO: Thank you, sir.

24 I should next like to read the attached
25 "Report of the Investigation of the Elasting of the

OYAMA

DIRECT

1 South Manchurian Railway."

2 (Reading): "On the night of September 18,
3 1931, Chinese soldiers blew up the South Manchurian
4 Railway and attacked the Japanese Railway guards.
5 SHIMAMOTO, Commander of the 2d Infantry Battalion of
6 the Independent Garrisons, who was responsible for
7 defense of the railway, went to the Kwantung Army
8 Headquarters on September 23 and made an oral report
9 regarding the blasted spot and conditions in the
10 neighborhood.

11 "Consequently, by order of the Commander of
12 the Kwantung Army, the following personnel went to the
13 actual scene of the incident and investigated the actual
14 conditions: USUDA, Kanzo, Infantry Major attached to
15 the Kwantung Army Headquarters (Staff Officer); OYAMA,
16 Ayao, OKADA, Chiichi, and FURUKAWA, Seichi, Army
17 Legal Officers of the Kwantung Army Headquarters;
18 TSUMA, Kanzo, Gendarmerie Major of the Kwantung
19 Gendarmerie; SHIMAMOTO, Masaichi, Lieutenant Colonel
20 of the Second Infantry Battalion of the Independent
21 Garrisons; ITAKURA, Itaru, Infantry Captain of the
22 Kwantung Army Headquarters; TAMURA, Kanzo, Surgeon
23 Captain of the Kwantung Army Headquarters. Their
24 report is as follows:
25

"I. Spot blown up.

1 "The railway line under the management of
2 the South Manchuria Railway Company; the east side
3 track about 1500 metres north of the Lieutikow Detach-
4 ment Barracks north of Mukden Station.

5 "II. Date of investigation.

6 "From 5:14 to 6:10 p.m. on September 23, 1931
7 in fair weather, at sunset.

8 "III. Actual conditions of the spot blown
9 up.

10 "The spot blown up had already been restored,
11 but fragments of tracks and sleepers were still
12 scattered here and there. As to the condition of
13 repair, two tracks of the east side and two sleepers
14 had been replaced with new ones, and the earth and
15 land, ballast extending over 25 metres of the said
16 tracks from north to south, and weedy land on the
17 east side had evidently been worked upon quite
18 recently (about four or five days before).

19 "Two tracks and two sleepers were crushed
20 similarly at only one end. On examination, judging
21 from the fact that there were remnants of explosives
22 adhering to the ends of tracks, to sleepers, and to
23 their scattered fragments as well as from the shapes
24 of crushed fragments, we fully recognized that explosives
25 were used to blast the railway.

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OYAMA

DIRECT

1 "Photographs of the above-mentioned actual
2 conditions were taken by the photographers who
3 accompanied us.
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1 "IV. Actual conditions in the area ex-
2 tending from the place blasted to the southwest
3 corner of Peitaying.

4 "(1) Starting northward from the place
5 blasted, on a path 30 inches wide of piled-up
6 earth next to the ballast on the east side of the
7 railway track, we noticed that the said path and
8 the ballast next to it were dotted with clotted
9 blood at intervals of about two metres. We found
10 a slightly larger amount of blood at a point about
11 one hundred and fifty metres away from the
12 starting point. Proceeding about two hundred
13 metres, following the blood dotted as before, we
14 discovered a corpse on the road parallel to the
15 east side of the railway track and about two
16 metres than the track. Further north we found
17 no trace of blood. The aforesaid blood was dark
18 brown, recognizable as being several days old.
19 Photographs of the above-mentioned actual evidences
20 of blood were taken by the photographers who ac-
21 companied us.

23 "(2) The corpse lay on the east side of
24 the road, in a rut made by carts going through the
25 mud. There were still puddles of mud in places.
In the rut, with his head northwards, his feet

OYAMA

DIRECT

1 southwards, the right side of his face, his right
2 hand and his right foot sunk in the mud and his
3 left hand under his belly, a Chinese soldier lay
4 dead, face downwards, dressed in a military uni-
5 form (without cap) but wearing a bayonet scabbard
6 (the blade of which was missing). To the north,
7 thirty centimeters away from his head, was a
8 soldier's cap, and to the south, two metres from
9 his foot, a rifle with bayonet fixed. In the
10 middle of the back of the corpse there was a blood-
11 stained bullet hole in his uniform. A considerable
12 amount of blood had been emitted from his mouth
13 and nostrils and had permeated the earth next to
14 his face. His face, hand, foot and uniform which
15 had sunk in the mud, were stuck in the mud which
16 had dried after a few clear days. The blood on
17 his back and his face was dark brown and red, and
18 the bare parts of the corpse were dark brown and
19 rotted. A part of his head on the same side of
20 his face in the mud was submerged in a little pool
21 and that part had become slightly furred. We
22 feared that if we should try to move the corpse,
23 the rotted corpse and uniform would fall apart.
24 Photographs of the actual condition of the corpse
25 were taken by the photographers who accompanied us.

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OYAMA

DIRECT

1 "(3) Northwards about one hundred metres
2 from the corpse on the road parallel to the railway,
3 we discovered the corpse of another Chinese soldier
4 at the edge of a marshy pool on the east side of
5 the road. He was in soldier's uniform without cap
6 but with his bayonet. He lay dead with his head
7 northward, his feet southward, his face downward,
8 his right arm under his body and his left arm a
9 little forward. In the center of the back of the
10 corpse there was a blood-stained bullet hole mark.
11 From his mouth and nostrils had come a small amount
12 of blood, which was dark brown and red. The bare
13 parts of the corpse were dark brown and rotted.

14 "The head, hands and uniform had become
15 slightly furred. Photos of the actual conditions
16 of the corpse were taken by the photographers who
17 accompanied us.

18 "(4) Northward, about one hundred metres
19 from the corpse on the road, beyond the marsh (ten
20 metres wide) on the east side of the road and in a
21 small hollow near the eastern edge of the above-
22 mentioned marsh, we discovered the corpse of a third
23 Chinese soldier. He was in soldier's uniform, with-
24 out cap but with his bayonet. The cap was lying
25 to the north of the corpse. He lay dead with the

OYAMA

DIRECT

1 right half of his face downward, his head northward,
2 his feet southward, and his right arm under his body.
3 There were no cuts on the bare parts of the corpse,
4 but he had vomited a large amount of blood, which
5 was now dark brown and red. His face and his right
6 arm had sunk in the mud and the blood had permeated
7 the earth next to his face. His face, arm and
8 uniform were stuck in the mud which had dried after
9 a few clear days. Photos of the actual condition
10 of the corpse were taken by the photographers who
11 accompanied us.

12 "When we looked to the northeast from the
13 spot where the corpse lay, we could see the southwest
14 corners of the parapet of Peitaying about one hun-
15 dred and fifty metres beyond a Kaoling field.

16 "We judged from the looks and uniforms of
17 the aforesaid three corpses that they were doubt-
18 lessly Chinese soldiers, and the above-mentioned
19 conditions convinced us that scores of hours had
20 passed since their death. There is no evidence
21 that the corpses had been moved.

22 "The above investigation ascertained that
23 the Chinese soldiers had blown up the aforesaid
24 railway with explosives, and, that while retreating
25 in the direction of Peitaying, they had been

OYAMA

DIRECT

1 fatally wounded by pursuing Japanese railway
2 guards who had discovered them, corpses of the
3 three soldiers having been left where they died.

4 "September 23, 1931."

5 MR. BANNO; That is all.

6 THE PRESIDENT: Mr. Comyns Carr.

7 CROSS-EXAMINATION

8 BY MR. COMYNS CARR:

9 Q OYAMA, are you the same person as OYAMA,
10 Fumio, of the same address and apparently the same
11 age, who swore an affidavit for the defense on the
12 24th of December last, which has been served upon
13 us but not so far used?

14 A I am the same person because I am also
15 known as Fumio. Fumio and Ayao are written in
16 the same characters, and they may be read either way.

17 Q Then you are the gentleman who held the
18 position of Chief of the Army Judicial Affairs
19 Bureau from December 1933 until March 1945, is
20 that right?

21 A Yes.

22 Q As that affidavit has not yet been used
23 I won't ask you anything about that now. Now
24 about this report of investigation -- the investi-
25 gation took place on the 23rd of September, 1931,

OYAMA

CROSS

I understand, is that right?

1 A That is a fact.

2 Q Was that the same day on which a party of
3 American and other journalists were shown over the
4 same place where you conducted your investigation?

5 A I do not know anything about journalists being
6 shown the spot.

7 Q You did not see them there?

8 A No, I did not see them.

9 Q Were you informed that they either had been
10 there before you or were coming immediately after
11 you?

12 A No, I have never heard of it.

13 Q I see. Now according to the Lytton Report
14 the Japanese officer who was -- the only Japanese
15 officer who was anywhere near the scene of this
16 explosion at the time that it took place was Lieutenant
17 KAWAMOTO. Do you know what has happened to him?

18 A I do not know.

19 Q Did you see him and take him with you to
20 the investigation at the time?

21 A Lieutenant KAWAMOTO did not accompany us.

22 THE PRESIDENT: Did you speak to the Japanese
23 guards who shot the three Chinese soldiers?
24

25 THE WITNESS: We have not spoken with Japanese

OYAMA

CROSS

soldiers.

1 Q So when you made the investigation you did
2 not interview any of the persons who were near the
3 scene at the time of the occurrence, is that right?

4 A No, we have not interrogated them.

5 Q You were the head of the Legal Section
6 of the Kwantung Army, weren't you?

7 A Yes.

8 Q Do you hold a legal qualification as well
9 as military rank or did you?

10 A I have legal -- I had legal qualifications.
11 At that time I was not an officer but a civilian
12 attached to the army.

13 Q Didn't your legal qualifications indicate
14 it would be a good idea to examine the nearest
15 approach to eye witnesses that you could find?

16 A At that time we did not see that necessity.

17 Q I notice that you begin your report with
18 the words "On the night of 18 September 1931 Chinese
19 soldiers blew up the South Manchurian Railway and
20 attacked the Japanese railway guards." As a lawyer
21 do you usually begin an investigation with the con-
22 clusion?

23 A No, it was not given in the sense of a
24 conclusion. The meaning was that because SHIMAMOTO,
25

OYAMA

CROSS

1 Commander of the Second Infantry Battalion of the
2 Independent Garrisons, had made a report to such
3 an effect such an investigation was conducted.

4 Q That isn't what you say, you know. Why
5 didn't you say that if that is what you meant?

6 A If you would carefully read the report,
7 I am quite sure you will understand the meaning of
8 what I have just stated.

9 Q Isn't it the truth that you had made up
10 your minds about the conclusion before you started
11 and you were just looking for some evidence to support
12 it?

13 A There was never any such a thing.

14 Q Now, about your description of the spot
15 where the explosion is said to have occurred, you
16 say: "The spot blown up had already been restored,
17 but fragments of tracks and sleepers were still
18 scattered here and there." And you go on to describe
19 two tracks and two sleepers crushed and remnants of
20 explosives adhering to the ends of them. Now isn't
21 the truth that those broken pieces of rail had
22 previously been removed to General HONJO's office in
23 Mukden and were shown to the American journalists
24 that very morning in Mukden?

25 A It is a fact part of the remnants -- broken

OYAMA

CROSS

1 pieces of rail and sleepers were scattered about the
2 spot of the explosion.

3 Q Did you see them at any time in General -- or
4 outside General HONJO's office in Mukden -- in the
5 hall just outside his office?

6 A Yes, but some time afterwards.

7 Q How long afterwards?

8 A I have no exact recollection at the moment,
9 but I think it was one or two days, perhaps a few
10 more days after that.

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OYAMA

CROSS

1 Q Who caused them to be removed there?

2 A Of that I do not know.

3 THE PRESIDENT: What was the appear-
4 ance of the remnants of explosives?

5 A I cannot recall all the details at the
6 present moment, but I have a very definite, posi-
7 tive recollection of -- I have a very clear recollec-
8 tion of the ends of sleepers and rails which were
9 scattered there.

10 Q But what led you to think that there were
11 any remnants of explosives there?

12 A I recognized them because there were a
13 number of rails and sleepers there, and that a part
14 of them had been demolished by explosives.

15 THE PRESIDENT: You say there were remnants
16 of explosives adhering to the ends of the tracks and
17 to sleepers. Can you describe in greater detail
18 what you mean by that? What were these remnants?

19 THE WITNESS: I am referring to black --
20 shall I say smoke or powder which were found on
21 these materials as a result of the explosion.

22 THE PRESIDENT: You were not referring to
23 pieces of iron or steel or anything like that? You
24 are not suggesting a grenade was used or something
25 of that kind?

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11 any remnants of explosives there?

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13 number of rails and sleepers there, and that a part
14 of them had been demolished by explosives.

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16 of explosives adhering to the ends of the tracks and
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18 what you mean by that? What were these remnants?

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21 these materials as a result of the explosion.

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23 pieces of iron or steel or anything like that? You
24 are not suggesting a grenade was used or something
25 of that kind?

OYAMA

CROSS

1 THE WITNESS: I don't know exactly what
2 type of explosive was used, but an investigation
3 into that matter was supposed to have been conducted
4 afterwards and a report submitted thereon. What
5 I recall is that there were remnants or pieces
6 of rails and sleepers and that there were black
7 powderish marks on these remnants; but although I
8 recall this I don't recall whether there were any
9 remnants or fragments. But I should think that
10 there were remnants of -- or fragments of the ex-
11 plosives themselves.

12 THE MONITOR: I don't recall about the
13 fragments of explosives, but I should think there
14 were such a thing there.

15 THE PRESIDENT: You must tell us what you
16 saw, not draw on your imagination.

17 It is difficult to understand how parts of
18 explosives as such could adhere to anything.

19 Q This report that you have produced you
20 have sworn is a copy of the original report drawn
21 up at the time, is that so?

22 Is that right?

23 THE MONITOR: Just a moment. Could we
24 have the question repeated?
25

1 Q This report that you have produced you
2 have sworn is a copy of the original report drawn
3 up at the time. Is that so?

4 A Yes.

5 THE PRESIDENT: How close to the point
6 of the explosion was the nearest sign of a clot of
7 blood?

8 MR. COMYNS CARR: I am coming to that.

9 THE PRESIDENT: Well, a colleague wants
10 that answered.

11 THE WITNESS: The point of the explosion
12 had been repaired and there was new dirt covered
13 over the place. The clots of blood were not found
14 in the place where the repairs were made but slight-
15 ly north of the point.

16 THE PRESIDENT: How far north in feet?

17 THE WITNESS: The portions of the rail
18 which had been repaired at the point of the ex-
19 plosion extended about twenty-five metres. The
20 point where the clot of blood was found was a very
21 short distance from the end of the twenty-five metres.
22 I don't recall in feet how far the place was, but
23 it was very, very close.

24 THE PRESIDENT: Do make an attempt at measure-
25 ment, if you can. "Very, very close" means nothing

1 in legal proceedings.

2 THE WITNESS: I don't have any exact recol-
3 lection, but I don't think it was -- I think it was
4 less than one metre.

5 Q Now, Mr. OYAMA, this report was a result
6 of all these people you have mentioned in it as
7 having gone on the investigation, wasn't it?

8 A Yes, that is so.

9 Q Was it shown, for instance, to Colonel
10 SHIMAMOTO?

11 A Lieutenant Colonel SHIMAMOTO naturally
12 would have seen the report.

13 Q Before it was sent in?

14 THE PRESIDENT: We will adjourn until
15 half-past one.

16 (Whereupon, at 1200 a recess was
17 taken.)
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AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at
4 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Captain Brooks.

8 MR. BROOKS: If the Tribunal please, there
9 was a medical examination ordered for the defendant
10 OKAWA, Shumie and the defense doctor has made his
11 report and I understand that the prosecution doctor
12 has made his report, and I wonder if there is any
13 change in the status of OKAWA at this time.

14 THE PRESIDENT: During the lunch hour you
15 approached me in chambers for a copy of the American
16 doctor's report. I told you that after consulting
17 the other members of the Tribunal I might have an
18 announcement to make in respect to OKAWA. Having
19 consulted my colleagues, I have the following announce-
20 ment to make:

21 The Tribunal, having considered the reports
22 dated the 23rd day of February and the 13th day of
23 March, 1947, made by the medical experts duly appointed
24 to examine into the mental condition of the accused
25 OKAWA, Shumie, and not being satisfied that the said

1 accused has yet recovered the intellectual capacity
2 and judgment to make him capable of standing trial
3 and of conducting his defense, and the said accused
4 not having pleaded to the charges and having been
5 unable during the proceedings to instruct his counsel
6 effectively, doth order that against the said OKAWA,
7 Shumie no further proceedings be taken at this trial
8 on the Indictment herein and that he be kept in custody
9 subject to such order as may be issued by the Supreme
10 Commander for the Allied Powers. The present order
11 shall not, however, preclude or prevent the trial of
12 the said accused at a later date before a competent
13 tribunal on the charges contained in the said Indict-
14 ment or on any other charges.

15 That is the decision of a majority of the
16 Tribunal.

17 MR. BROOKS: Might I inquire, your Honor,
18 as to the custody referred to there. Does that mean
19 that he will be removed from the custody of the
20 Japanese insane asylum where he is now, as I under-
21 stand, being held?

22 THE PRESIDENT: His movements in all places
23 and at all times will be controlled by the Supreme
24 Commander for the Allied Powers.

25 MR. BROOKS: Thank you, your Honor.

OYAMA

CROSS

THE PRESIDENT: Mr. Comyns Carr.

A Y A O O Y A M A, called as a witness on behalf of the defense, resumed the stand and testified through Japanese interpreters as follows:

BY MR. COMYNS CARR (Continued):

Q Mr. OYAMA, you told me before the adjournment that Colonel SHIMAMOTO was one of those responsible for this report which you have produced and, therefore, responsible for the statement which has been read several times that there were remnants of explosive adhering to the ends of tracks. Do you know that only yesterday Colonel SHIMAMOTO produced to this Court a report which he said he made on the 18th of October, 1931, court exhibit 2410, of the discussion which he had with certain members of the Lytton Commission when he took them to the scene of this explosion. He said that they asked him what was used for this explosion and that he replied, "As it was done by the enemy we do not know. There was no residue." Which of those two statements is true?

A I am unacquainted with the contents of the document which I have just been told has been tendered to this Court by Lieutenant Colonel SHIMAMOTO.

Q You have just heard me read out the material part of the contents and I ask you again, which of

1 the two statements is true?

2 A The fact that there were a number of rails
3 and sleepers wrecked and damaged when they -- and
4 that these were found at the time of the investiga-
5 tion and that evidences of explosive found on these
6 rails and sleepers was as they have been pointed out
7 and indicated in the report, then if there is anything --
8 any document or anything contrary to what I have just
9 said, then I would say that the report to which I have
10 referred is accurate.

11 Q Now you describe the repairs which had been
12 done over twenty-five meters of the said tracks. Do
13 you intend us to understand that anything like that
14 length had been damaged by the alleged explosion?

15 A Inasmuch as the extent of the explosion, the
16 part that had been damaged by the explosion, had
17 already been repaired, I do not know. However, there
18 were two rails that were replaced and in replacing
19 these two rails I should think a length to this extent
20 had to be worked upon, that is to say, a length of
21 twenty-five meters.

OYAMA

CROSS

1 Q Do not you know that the Japanese had
2 themselves torn up part of the rails?

3 A That is not so.

4 Q Do you know that in the same statement to
5 which I have already referred, Colonel SHIMAMOTO
6 reported yesterday this question and answer: "Why
7 did the Japanese forces remove rails at the crossing
8 of the Peiping-Mukden Railway?" and his reply was
9 "Because it was necessary for our defense."?

10 THE PRESIDENT: Mr. Roberts.

11 MR. ROBERTS: If your Honor please, it appears
12 that prosecutor is now referring to another spot
13 which I believe is different from the spot of the
14 explosion.

15 MR. COMYNS CARR: In my submission, your
16 Honor, objections should not take the form of inviting
17 the witness to give a particular answer to a question.

18 THE PRESIDENT: It purports to be a genuine
19 correction of a misapprehension on the part of cross-
20 examining counsel. Whether it is or not, I do not
21 know.

22 MR. ROBERTS: That is the intention and I
23 could object on the ground that it is outside the
24 scope of the examination.

25 THE PRESIDENT: No, you could not object on

OYAMA

CROSS

that ground, Mr. Roberts.

1 MR. ROBERTS: I still have that intention
2 in correcting the misapprehension.

3 MR. COMYNS CARR: It is not a misapprehension.
4 If your Honor will turn to page 67 of the Lytton
5 Report you will see that there was, according to
6 Lieutenant KAWAMOTO, there was a crossing at the
7 very point where Lieutenant KAWAMOTO claimed to have
8 heard the explosion; the bottom of the page, five
9 lines up.
10

11 THE PRESIDENT: Well, you see, you do not
12 misapprehend anything, Mr. Comyns Carr, so proceed
13 with your cross-examination.

14 Q Was Colonel SHIMAMOTO right when he said --
15 when he told the Lytton Commission that the Japanese
16 had themselves torn up certain rails at a crossing and
17 for the purposes of their defense?

18 A Having had no relationship whatsoever
19 with that question, I do not know.

20 Q Did you see two places where rails had been
21 repaired or only one place?

22 A Just one place.

23 Q Now, do you know that according to Lieutenant
24 KAWAMOTO's account given to the Lytton Commission the
25 gap caused by the alleged explosion was only 31 inches?

OYAMA

CROSS

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21 repaired or only one place?

22 A Just one place.

23 Q Now, do you know that according to Lieutenant
24 KAWAMOTO's account given to the Lytton Commission the
25 gap caused by the alleged explosion was only 31 inches?

OYAMA

CROSS

1 A No, I do not know of the length.

2 Q Do you know that according to all Japanese
3 reports the train passed safely over it immediately
4 after it occurred?

5 A Yes, that I have heard of.

6 Q If that is so, and if it was necessary to
7 repair 25 meters, something else must have caused
8 that necessity, mustn't it?

9 A Not having been at the scene of the explosion
10 at the time the explosion took place I cannot say,
11 but I can say that there were evidences of explosive
12 found on the rails and sleepers which were lying around
13 the place. However, having heard that a train had
14 passed over that particular section shortly after the
15 explosion, I assumed that the extent of the explosion
16 was rather small. And then I should say that 25 meters
17 of the rail was repaired, because, in order to make
18 the exchange of rails at that particular point effective,
19 an extent of 25 meters was necessary. That is why
20 I use the words "25 meters." However there was --
21 the rail was a double-track rail and the eastern
22 track was damaged, but on the western track there was
23 no damage at all; and this eastern track was the one
24 that was -- and the damaged eastern line was the one
25 going to Mukden and I recall that there was discussion

OYAMA

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1 of the fact that trains had passed over the rail short-
2 ly afterwards because the other -- one of the tracks
3 had not been severely damaged.

4 Q You say that some photographs were taken.
5 Where are they?

6 A These photos were attached to the report
7 at the time the report was tendered.

8 Q Do you know whether there are any copies
9 of them available now?

10 A I think that there is one copy somewhere.

11 Q Where?

12 A I imagine that copies of the pictures are
13 attached to the Lytton Report or some report.
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1 Q Do you know that these photographs were shown
2 to the American journalists before they were taken out
3 to see the spot?

4 A I do not know because I never had at that time
5 seen any newspapermen, either Japanese or foreign.

6 Q Now, with regard to these corpses of soldiers,
7 you say that the first spot of blood that you saw was
8 not more than twenty-six meters from the scene of the
9 explosion, is that right, and quite close to the rail-
10 way track?

11 THE PRESIDENT: Not twenty-six meters, Mr.
12 Carr; one meter from the repairs.

13 MR. COMINS CARR: Yes, twenty-five -- in the
14 middle of the -- if the spot was in the middle of the
15 alleged repair, yes.

16 Q How far from what you think was the scene of
17 the explosion did you find the first spot of blood?

18 A I have no positive knowledge at all except
19 to the extent that I replied to the question put to
20 me by the President.

21 Q And in your answer to that question, did you
22 mean that it was one meter beyond the end of the re-
23 pair, the twenty-five meters of repair?

24 A Yes, that is what I mean.

25 Q And how far from the railway track was it?

1 A As to the location, it was just somewhere
2 besides the tracks -- there was a road around thirty
3 meters wide just beside the tracks, and there was
4 ballast piled up around the railroad, and it was in
5 this vicinity, just around this section.

6 Q Was it on the side of the road nearest to
7 the track?

8 A Railway tracks, as you know, have a certain
9 fixed width with sleepers and rails laid over them,
10 and that there is a small passageway thirty meters
11 long -- thirty meters wide beside this, and that there
12 are ballasts piled up along side the railway, and it
13 is in the vicinity of this section near these ballasts
14 and the roadway that I saw these clots of blood.

15 Q Now, does that apply to all the clots of
16 blood you saw? Were they all near the railway track
17 like that?

18 A Yes.

19 Q Now, in regard to the corpses, were they also
20 all near the railway track?

21 A No, not on the railway tracks, but to the east
22 of the railway tracks at a lower level where there is
23 a road, and it was on one edge of this road.

24 MR. ROBERTS: May I interrupt for one moment,
25 please?

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1 THE PRESIDENT: Mr. Roberts.

2 MR. ROBERTS: The prosecutor has asked the
3 witness concerning certain photographs referred to in
4 his affidavit. I have here certain photographs which
5 are not completely processed; but, perhaps the witness
6 can identify the photographs we have, and we can offer
7 the originals later on, and Mr. Carr, perhaps, can
8 cross-examine him more definitely on these photographs.
9

10 THE PRESIDENT: We must leave that to Mr.
11 Carr for the time being.

12 MR. COMYNS CARR: Your Honor, it is not very
13 convenient that what ought to be exhibits to the
14 affidavit should be produced piecemeal in this manner.
15 However, I will make what use of them I can.

16 BY MR. COMYNS CARR (Continued):

17 Q I am afraid I missed your answer. How far
18 from the railway was the first of the corpses that you
19 referred to?

20 A The railway was laid out on a sort of a mound.
21 On the edge of this mound, a very short distance away,
22 there was a road. In the center of the road there
23 were ruts made by wheels of some cart or a wagon, and
24 the head, hands and feet of the corpse was buried
25 under the mud on the east rut of this road.

Q I see you say "about two meters from the

OYAMA

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track"; is that right?

1 A Yes, I think it is just about that distance.

2 Q Now, about these ruts in the mud, had they
3 been made recently?

4 A Of course, there are many old ruts and new
5 ones; and, since there was some vehicular traffic over
6 that, I don't know whether they were new or old because
7 there were a number of them.

8 Q Had the materials for the repair of the track
9 been brought up in carts?

10 A That I do not know because I was not there at
11 the time.

12 Q Now, the second corpse, was that also on this
13 same road by the side of the railway?

14 A It was in a mud puddle on the side of the
15 road on the opposite side of the railway tracks.

16 Q And the third corpse, where was that in
17 relation to the railway tracks?

18 A Of course, there was this road continuing
19 parallel with the railway line, and the corpse was
20 found in a puddle of water to the east of this road
21 which I should say was a distance of ten some-odd
22 meters from the track.

23 Q That was the third one.

24 A Yes.

OYAMA

CROSS

1 Q Now, did you notice some fields of kao-liang
2 grass in the neighborhood?

3 THE PRESIDENT: Are you coming back to the
4 blood spots, Mr. Carr?

5 MR. COMYNS CARR: Oh, yes. This is in
6 connection with them, your Honor.

7 A Yes, I know that there was a kao-ling field.

8 Q And that is a tall grass, is it not?

9 A Yes, that is so.

10 Q How far away were they from the railway
11 tracks?

12 A Comparatively near the railway tracks.

13 Q Were they on the far side of this road that
14 you have been speaking of?

15 A Yes, there were kao-liang fields both on the
16 east and the west side of the railway lines, and there
17 were a number of them, and I am now referring to the
18 points east of the railway line.

19 Q Yes. The fields were all -- on that side
20 were beyond the road, then?

21 A That is so.

22 Q Now, listen to Lieutenant KAWAMOTO's account
23 of the fighting.

24 THE MONITOR: Mr. Comyns Carr, is that a
25 very long passage, sir, that you are going to quote?

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MR. COMYNS CARR: No, I am going to summarize.

1 Q (Continuing) He says that, when they heard
2 the explosion, they ran back along the line about two
3 hundred yards, and that, on arrival at the site of
4 the explosion, they were fired upon from the fields
5 on the east side of the line and that they returned
6 the fire, so that, if these three men you say you
7 found -- these three corpses -- were killed by the
8 fire of Lieutenant KAWAMOTO's patrol, they died in
9 the wrong place, didn't they?
10

11 MR. ROBERTS: If your Honor please, I think
12 this is argumentative more than a question; certainly
13 not asking for a statement of fact.

14 THE PRESIDENT: This is testing credit in the
15 usual way. The objection is overruled.

16 Q Were there any Japanese casualties in the
17 fighting in that immediate neighborhood?

18 A The fact that these corpses were found near
19 the road west of the kao-liang fields, we presume that
20 the soldiers, or at least one of them, was on the rail-
21 way tracks and others were either on or near the rail-
22 way tracks at the time; and these soldiers, who were
23 either on the railway tracks or near the railway
24 tracks, were shot at. Now, what Lieutenant KAWAMOTO
25 refers to are probably soldiers in ambush in the field.

OYAMA

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1 Q They are the only ones he refers to as having
2 been shot at. Isn't it true that their bodies had
3 been moved to the place you say you saw them?

4 A No, we recognize absolutely no evidence that
5 bodies were moved, and we gave special care in the
6 investigation of this particular point.

7 Q Do you know that the American journalists
8 also investigated that particular point --

9 A I do not know anything about American journa-
10 lists making any investigation.

11 Q and that they said they couldn't find any
12 blood?

13 A As I said before, I have not had any oppor-
14 tunity to see or to talk or to discuss matters with
15 American journalists. As a matter of fact, the
16 Legal Affairs Bureau of the Kwantung Army conducted
17 judicial matters only, and we did not engage in any
18 diplomatic or other relationships with the outside,
19 and, therefore, I have had no opportunities whatso-
20 ever to meet American journalists.

21 MR. COMYNS CARR: Your Honor, I do not think
22 I can make any use of these photos without more
23 opportunity of examining them. Therefore, I will not
24 ask anything further.

25 THE PRESIDENT: Mr. Carr, before you go, the

1 position of the blood spots suggests that the Chinese
2 soldiers, if they were the culprits, were right
3 against the explosion when it took place, but the
4 wounds or the blood was caused by rifle fire. It is
5 most unusual for men who are using dynamite or other
6 high explosives to blast to stand alongside.

7 BY MR. COMYNS CARR (Continued):

8 Q Witness, you heard what the President said.
9 Have you any explanation to offer of that?

10 A It can be assumed that, after the dynamite --
11 the explosive had been placed at the particular point
12 where the explosion took place, that those who planted
13 the explosive would remove themselves to a point which
14 would be outside of danger. But it also can be as-
15 sumed that, after the explosion took place, these same
16 men would return to the scene to see the effects of
17 the explosion. And it was our judgment upon investi-
18 gation that these Chinese soldiers were shot by rifles
19 on the assumption that they had returned to the scene
20 of the explosion after the explosion had taken place,
21 and that at that time Japanese railway guards rushed
22 to the scene and shot at Chinese soldiers who were
23 fleeing toward the north, and it was three of these
24 soldiers who were shot dead in and around -- or near
25 that area.

OYAMA

CROSS

1 Q Then, do you assume that these Chinese
2 soldiers, having carried out the explosion, would
3 come back to the scene of the explosion to be shot
4 there by the Japanese guards who would be sure to
5 rush to find out what it was?

6 A I do not know whether the Chinese soldiers
7 who were near that place themselves knew whether
8 or not there were Japanese guards in the vicinity.
9 However, we recognize the fact that they undertook
10 to explode that particular section after having
11 ascertained that there were no Japanese guards in
12 the vicinity.

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1 Q But we know that there were Japanese guards
2 in the vicinity. Didn't you know that?

3 A At the time I was participating in this in-
4 vestigation such doubt did not arise in my mind at all.

5 Q I am not asking you about a doubt. I am asking
6 you whether you didn't know the fact, which was part
7 of the case of your own side, that there were Japanese
8 guards in the vicinity?

9 A Yes. Of course, I heard later that there
10 were Japanese guards in the vicinity. However, at
11 that time I do recall that when the Japanese railway
12 guards heard the explosion and rushed back toward that
13 spot where the explosion took place they said what
14 appeared to them -- they spoke of what appeared to them
15 as Chinese soldiers fleeing in the opposite direction,
16 and that they were on the tracks or near the tracks.

17 Q You told me that you hadn't made any inquiries
18 from Lieutenant General KAWAMOTO or any of his men
19 before you made this report. Are you now saying that
20 you did?

21 A What I just said now was what I heard after
22 the report had been completed, or the investigation
23 had been completed and the report made. I answered
24 in the way I did this morning because you asked me
25 whether they were interviewed before the report was made.

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1 Q Oh, I see. Then is it your idea as a lawyer
2 to make the report first and collect the evidence
3 afterwards?

4 THE PRESIDENT: Unless you have examined
5 eyewitnesses, what use were you there?

6 THE INTERPRETER: "I did not say investiga-
7 tion." That was the statement of the witness before
8 the President's remark.

9 THE PRESIDENT: What useful purpose could you
10 have served there unless you examined eyewitnesses?

11 THE WITNESS: Yes, to make a study of the
12 spot.

13 Q From whom do you say that you afterwards
14 heard this story about the Chinese soldiers running
15 along the railway line?

16 A I have no recollection as to whom I heard
17 this from.

18 Q Do you know that it is entirely contrary to
19 the story they told the Lytton Commission?

20 A That I do not know.

21 Q Do you think it likely that men running away
22 from people with rifles would make good targets of them-
23 selves by coming out into the open from the cover they
24 had in the fields?

25 A I do not know, although I do not think that

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that could be so.

1 THE PRESIDENT: The Members of the Court
2 desire to ask several questions.

3 What was the kind of explosive that was used,
4 was it dynamite or gelignite?

5 A I am not an expert on explosives so I do not
6 know.

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1 THE PRESIDENT: Well, how do you know it was
2 caused by an explosive?

3 THE WITNESS: There was evidence to the
4 effect that explosives were used in the destruction
5 of the railway and sleepers because these evidences
6 were found on the ends of the rails and the sleepers
7 which were destroyed. The investigation at that
8 time was undertaken by eight men -- nine men including the
9 clerk -- and among these investigators were army men
10 who were familiar with explosives, and it was his view
11 that explosives were used in wrecking the railway.
12 All eight men agreed to the report as finally drawn
13 up and signed the report as such without any objections.

14 THE PRESIDENT: Did you look at the identi-
15 fication disks on the dead Chinese soldiers?

16 THE WITNESS: No.

17 THE PRESIDENT: Didn't you think it was
18 worthwhile to investigate who they were so that you
19 could tell the world that they were Chinese soldiers?

20 THE WITNESS: Naturally, that investigation
21 must be made, and at that time we came to the con-
22 clusion that they were Chinese soldiers because of
23 their uniforms and the equipment they had on them.

24 THE PRESIDENT: But you didn't look for any
25 identification mark of any kind, apart from the uniform?

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1 Were you given any reason why the bodies were left on
2 the road for five days?

3 THE WITNESS: We recognized these corpses
4 as that of Chinese soldiers from the arms they carried;
5 for instance, their bayonet, their equipment, their
6 uniform, et cetera. And the fact that these corpses
7 were left lying there without moving them for several
8 days is because the Japanese Army as a matter of custom
9 had pursued the policy of leaving anything untouched
10 in case of any untoward occurrence or unusual occurrence
11 as this had been until investigation had been
12 completed. These facts were well known by the
13 responsible authorities of the army, and at that time,
14 at the time the investigation was carried out -- this
15 was shortly after the outbreak of the incident -- very
16 strict surveillance was being carried on in that area
17 and transit of people were very carefully kept.

18 THE PRESIDENT: A colleague desires the
19 following questions to be put to the witness:

20 Was the Lytton Commission informed of the
21 discovery of the three dead Chinese soldiers? When
22 that commission was operating, were there rumors that
23 the Japanese were responsible for the explosion?

24 THE WITNESS: I have never heard anything to
25 that effect at that time. I have never heard at the

OYAMA

CROSS

1 time the investigation was made, that is, on
2 September 23, that the explosion of the railway --
3 the Japanese were responsible for the explosion of
4 the railway.

5 MR. COMYNS CARR: Your Honor, that concludes
6 my cross-examination.

7 For the information of the Tribunal, the
8 questions I have been putting about the party of
9 journalists are based on pages 3,210 and onwards of
10 the record.

11 THE PRESIDENT: We will recess for fifteen
12 minutes.

13 (Whereupon, at 1445, a recess
14 was taken until 1500, after which the
15 proceedings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Counsel BANNO.

4 MR. BANNO: I shall conduct a redirect
5 examination on one or two points.

6 REDIRECT EXAMINATION

7 BY MR. BANNO:

8 Q Mr. Witness, did Chinese soldiers usually
9 have identification discs on them?

10 A There is no system of identification discs
11 in so far as Chinese troops are concerned. Japanese
12 troops have identification discs but, as I understand,
13 they are used only in war time and not in peace time.

14 Q According to the cross-examination of the
15 prosecutor it seemed as if there was doubt concerning
16 whether the three corpses in question were carried
17 to the point where they were. Could you give proof
18 to the fact on which you based your conclusion that
19 they were not carried there?

20 A Believing that to be a very important point
21 we gave very great care in the investigation of that
22 particular point. By our observations conducted at
23 that time it seemed that rain fell shortly before the
24 incident and the roadways were extremely muddy. When
25 we observed the position and the conditions of the

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REDIRECT

1 first corpse that we came upon we found that the
2 hands, head and feet of the corpse was inside of the
3 mud and was lying along the wheel ruts which were made
4 there in the mud. One point that I wish to mention
5 is that the head, hands, and feet of the corpse was
6 sunk in the mud and in that position the mud dried
7 and was sticking to the corpse. The cheek which rested
8 on the mud and slightly sunk in the mud was seen and
9 in that position the blood which had been vomited or
10 had been emitted by the corpse from its mouth and nose
11 were permeated around his cheek and permeated in the
12 mud in that same position. My second point is that
13 the blood which had been emitted by the soldier had
14 permeated the ground at the exact point at which he
15 laid on the ground, his corpse laid on the ground,
16 and that the blood which had permeated into the ground
17 was of a blackish-red color. From that we judged
18 that four or five days had elapsed and from the color
19 of the blood we confirmed that some four or five days
20 had elapsed. The third point is that there were a
21 few water puddles or mud puddles still left as the
22 result of the rain and that the head of the corpse was
23 stuck in the water and laid in that position, and
24 because of that condition of the corpse various growths
25 took place on the face of the corpse. From that we

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REDIRECT

1 judge that the corpse had not been removed. Further-
2 more the vicinity in which the incident took place was
3 carefully restricted and all pedestrians around there
4 were prevented from entering that particular area;
5 and, therefore, the positions of these corpses were
6 left untouched until our investigating party arrived
7 there. From that we judge that the bodies had never
8 been removed.

9 MR. BANNO: Redirect examination is over.
10 May the witness be permitted to leave the court?
11 However, we should like to reserve the right of re-
12 calling this witness in the Pacific warfare and in the
13 individual defense phase of the case.

14 THE PRESIDENT: He will be recalled if that
15 is necessary in the interest of a fair trial. He is
16 released on the usual terms.

17 Mr. Mattice.

18 MR. MATTICE: If the Tribunal please, I
19 desire to call attention to the order of proof and the
20 running commentary on this section of the case. The
21 documents listed on pages 1, 2, 3, and 7 -- they are
22 the 204 series and the 300 series -- have not been
23 offered for the reason that processing thereof has not
24 been completed. We also have the matter of taking the
25 deposition of the witness ISHIHARA. With the exception

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1 of those matters and one more witness who will next
2 be called, the witness WACHI, and if we may reserve
3 the right to offer these documents or some of them
4 and procure the deposition of the witness ISHIHARA
5 at some later and convenient time, this section may
6 be considered concluded.

7 THE PRESIDENT: When are you going to present
8 the draft commission to take the evidence of ISHIHARA?

9 MR. MATTICE: As soon as we have had time
10 to prepare it.

11 Mr. HAYASHI will examine the witness WACHI.

12 MR. HAYASHI: I wish to summon witness WACHI
13 at this time.
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WACHI

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1 T A K A J I W A C H I, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

DIRECT EXAMINATION

6 BY MR. HAYASHI:

7 Q Your name?

8 A WACHI, Takaji.

9 Q Your age?

10 A Fifty-four.

11 Q Where do you live?

12 A Sugamo.

13 MR. HAYASHI: May the witness be shown
14 defense document No. 869?

15 Q Is that the affidavit which you have signed?

16 A Yes.

17 MR. HAYASHI: I produce in evidence defense
18 document 869.

19 THE PRESIDENT: Mr. Tavenner.

20 MR. TAVENNER: If your Honor pleases, this
21 document, I think, is the most unusual affidavit that
22 I have ever seen. It consists of a series of negative
23 statements which, if accepted, still prove nothing.

24 THE PRESIDENT: I see one positive statement:
25 "The aim of the October Incident was to remove corrupt

WACHI

DIRECT

1 politicians."

2 MR. TAVENNER: There are some statements in
3 the affidavit, of course, to which that statement
4 of mine does not apply, but they are few and far
5 between. I call the Tribunal's attention particu-
6 larly to paragraphs 5, 8, 13, 15, and 16. Of course,
7 if the Tribunal is of the opinion that these matters
8 are of probative value I shall have to cross-examine
9 on those matters.

10 THE PRESIDENT: It also deals with the
11 policy of the Sakura-kai Association. There are
12 many positive statements which bear on issues, but
13 it is a matter for the Tribunal. The Court thinks
14 it is relevant. The objection is overruled, and the
15 document admitted.

16 CLERK OF THE COURT: Defense document No. 869
17 will receive exhibit No. 2424.

18 (Whereupon, the document above
19 referred to was marked defense exhibit
20 No. 2424 and received in evidence.)

21 MR. HAYASHI (Reading): "AFFIDAVIT

22 "1. I was Lieutenant General at the time
23 when the war ended.

24 "2. I assumed the post of battalion com-
25 mander of the 63rd Infantry Regiment at the city of

1 Matsue in August, 1929 (the 4th Year of Showa), be-
2 came a member of the Staff Office in April, 1931.

3 "3. Colonel HASHIMOTO, Kingoro is my
4 senior and is also an intimate friend of mine.

5 "4. After I became a member of the General
6 Staff Office, I occasionally attended meetings held
7 by the society called Sakura-kai (the Cherry Blossoms
8 Society).

9 "5. Sakura-kai was a discussion meeting
10 concerning the reformation of domestic affairs.
11 Consequently, there was no occasion at which the
12 problems dealing with Manchuria and other countries
13 were studied.

14 "6. Sakura-kai was a gathering of young
15 officers below the rank of Lieutenant Colonel and
16 there were no rules as to the regulations or the
17 membership fees of the society. Also, it was not
18 a secret society.

19 "7. Sakura-kai had no connection whatever
20 with the Manchurian Incident. Neither was there any
21 connection with the Kwantung Army. No one connected
22 with the Kwantung Army enjoyed its membership.

23 "8. Colonel HASHIMOTO, Kingoro had never
24 met ITAGAKI, Seishiro, DOHIMARA, Kenji, ISHIHARA,
25 Kanji, etc. of the Kwantung Army at about the time

24 concrete and p-

25 not as yet been considered.

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1 where the Manchurian Incident broke out. Also,
2 there was no occasion at which the liaison was es-
3 tablished with these people by means of telephone,
4 telegram or by any other means.

5 "9. During that period, I and HASHIMOTO,
6 Kingoro were on very intimate terms in both official
7 and private affairs so that I know about these matters
8 very well.

9 "10. I was reprimanded along with HASHI-
10 MOTO, Kingoro and others on the charge of the
11 October Incident. HASHIMOTO was subjected to heavy
12 disciplinary confinement for twenty-five days and
13 relegated to the Himeji regiment.

14 "11. The aim of the October Incident was
15 to remove corrupt politicians from the political
16 parties and to recommend Lieutenant General ARAKI,
17 a man of unimpeachable character, to head a new
18 government. However, HASHIMOTO revealed this plan
19 to Lieutenant General ARAKI, Lieutenant General
20 ARAKI told it to Minister of War MINAMI, and that
21 night Minister of War MINAMI ordered the military
22 police to arrest us so that the further development of
23 the Incident was checked there. Consequently, the
24 concrete and practical method of its execution had
25 not as yet been considered.

1 "12. Mr. OKAWA, Shumei had no connection
2 with the October Incident. For fear that the infor-
3 mation might leak out through civilians it was de-
4 cided not to include any civilians at all in this
5 plan. HASHIMOTO, Kingoro said that the failure of
6 the March Incident was due to the fact that they had
7 included civilians and therefore it was deemed proper
8 not to have any civilians this time.

9 "13. HASHIMOTO, Kingoro said that the
10 March Incident was a move which attempted to form a
11 new cabinet under the leadership of General UGAKI,
12 Issei and to remove corrupt politicians from the
13 political parties, but it was suspended at the stage of
14 a mere plan. However, I am not acquainted with its
15 details.

16 "14. The motive of the October Incident was
17 based on the fact that both of the political parties,
18 Seiyukai and Minseito, were absorbed in party in-
19 terests as well as self-interests and never thought
20 of the hardships of the people. For these reasons, it
21 was a move to exclude Premier WAKATSUKI, Reijiro, who
22 was a typical example of the corrupt party politicians,
23 and there was no connection whatever with the Man-
24 churian Incident.
25

"15. Captain CHO Isamu was one of my

WACHI

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1 intimate friends. Captain CHO was dispatched to
2 Peking as a study committee at the beginning of
3 August, 1931 (the 6th Year of Showa), and returned
4 to Tokyo at the early part of October of the same
5 year after the Manchurian Incident started. There-
6 fore, he had no connection whatever with the Man-
7 churian Incident at its outbreak.

8 "16. Major General TANAKA, Ryukichi had no
9 connection with the Sakura-kai. He is a junior of
10 HASHIMOTO, Kingoro, but HASHIMOTO is not his close
11 friend."

12 MR. HAYASHI: The prosecution may cross-
13 examine.
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THE PRESIDENT: Mr. Tavenner.

CROSS-EXAMINATION

BY MR. TAVENNER:

Q General WACHI, what official position did you hold prior to your appointment to the general staff in 1931?

A I was a battalion commander of the 63rd Regiment at Matsue.

THE MONITOR: Infantry regiment.

Q Where is Matsue?

A In Shimane Prefecture.

Q Did your duties require your presence in Tokyo during that period of time when you were battalion commander?

A No. I do not know.

Q When you were assigned to the general staff in April, 1931, what was your rank?

A Major.

Q And in what branch of the general staff were you employed?

A The China Section of the Second Division.

Q Was Colonel HASHIMOTO connected with that division?

A HASHIMOTO was in the European-American Affairs Section of the same division.

WACHI

CROSS

1 Q When did you first learn to know Colonel
2 HASHIMOTO?

3 A When I was attached to the general staff
4 office, 1923 and 1924--from the end of 1923 to
5 July of 1925 when I was with the General Staff.

6 Q Between July, 1925 and April, 1931, were
7 you closely associated with Colonel HASHIMOTO?

8 A I never met him during that period.

9 Q You state that you attended meetings of
10 the Sakura-Kai. Were you a member of that society?

11 A Yes, I was a member.

12 Q When did you become a member?

13 A April, 1931.

14 Q You state that the Sakura-Kai had no connection
15 with the March Incident. You were not a member of
16 the Sakura-Kai even at the time of the occurrence
17 of that incident, were you?

18 A No, I was not a member.

19 Q Therefore you have no knowledge of your own
20 on the connection of the Sakura-Kai with the March
21 Incident?

22 A Not directly, but I heard of it from HASHIMOTO.

23 Q So then what you are stating under oath in
24 this affidavit is what HASHIMOTO told you in connection
25 with the Sakura-Kai?

WACHI

CROSS

1 A Anything prior to the March Incident I heard
2 from HASHIMOTO.

3 Q Well, do you say also including the March
4 Incident?

5 A Yes.

6 Q Who was the founder of the Sakura-Kai?

7 A The founder was HASHIMOTO.

8 Q Did HASHIMOTO tell you that he took part in
9 the plotting of the March Incident?

10 A I have not heard of it.

11 Q Who were some of the other members of the
12 Sakura-Kai?

13 THE PRESIDENT: Put your question in some
14 other form, Mr. Tavenner.

15 Q I withdraw that question and I will ask
16 you if you attended -- if General NEMOTO was also
17 a member of the Sakura-Kai?

18 THE MONITOR: Will you please spell that
19 name out, Mr. Tavenner?

20 MR. TAVENNER: N-E-M-O-T-O.

21 THE MONITOR: Thank you.

22 A Yes.

23 Q Did you understand from HASHIMOTO that NEMOTO
24 was one of the planners of the March Incident?
25

 A I have never heard of it.

WACHI

CROSS

1 Q Was Lieutenant Colonel TANAKA, Kiyose a
2 member of the Sakura-Kai?

3 A Yes, he was.

4 Q Do you know what part TANAKA played in the
5 March Incident?

6 A No.

7 Q A secret record of the Japanese Renovation
8 Movement was written in August, 1938 for the Section
9 for the Maintenance of Public Peace of the Bureau
10 of Police Affairs of the Home Ministry. This was
11 introduced in evidence as prosecution document 12 and
12 is exhibit 183. This secret record relates to the
13 Cherry Society, the Sakura-Kai, and it states that
14 "The Cherry Society is an organization which has
15 had great influence on the March Incident and the
16 October Incident,..."

17 In view of that finding do you now desire
18 to change your statement about the connection of the
19 Sakura-Kai Society with the March and October Incidents?
20

21 A I don't know about the March Incident, but
22 it had relationship with the October Incident.

23 Q It did have relation with the October Inci-
24 dent, you state?

25 A Yes.

Q Now in your affidavit my recollection is that

1 you said it had no connection with the March Incident.
2 Do you still contend that?

3 A Yes.

4 Q Now you state in your affidavit also that
5 Dr. OKAWA had no connection with the October Inci-
6 dent?

7 A Yes, I so stated.

8 Q Are you familiar with the record of the
9 trial of Dr. OKAWA in 1934 for his participation
10 in the May 15, 1932 Incident in which he set forth
11 in detail his participation in the October Incident
12 and in which he also stated that he received his
13 orders from HASHIMOTO?

14 A I do not know.

15 Q How can you state under oath that OKAWA
16 had no connection with the October Incident?

17 A The question is not clear to me.

18 Q On what information do you base your state-
19 ment that OKAWA had no connection with the October
20 Incident?

21 A At that time I was in Tokyo and was related
22 with the society -- the Sakura-Kai and its activities --
23 was on intimate terms and relationship with HASHI-
24 MOTO and I can say very positively that he -- that is,
25 OKAWA had no connection with the October Incident.

WACHI

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1 Q I believe you and HASHIMOTO were both arrested
2 for your participation in the October Incident, were
3 you not?

4 A Yes.
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CROSS

1 Q You state in your affidavit that civilians
2 were not to be used in the October Incident because
3 there was a leak of information through civilians
4 in the March Incident. Now, as a matter of fact,
5 wasn't it decided that there would be no civilian
6 groups used in the October Incident except OKAWA's
7 civilian group?

8 A No, that is not so.

9 Q Do you know that Tanaka KIIYOSE prepared a
10 memorandum in 1932 in which he stated that OKAWA
11 and his civilian group was the only civilian group
12 utilized in that incident?

13 A I do not know.

14 Q Were you familiar with the testimony of
15 OKAWA in his trial in 1934 as to the part that he
16 claimed he played in the October Incident?

17 A I do not know.

18 Q Are you familiar with the fact that Doctor
19 OKAWA spent a great deal of time in making propa-
20 ganda speeches throughout Japan over a period of
21 several years prior to the October Incident in which
22 he was endeavoring to arouse the people in regard
23 to the Manchurian problem, as he called it?

24 A Before I went to the General Staff office
25 I was battalion commander at Matsue, and before that

WACHI

CROSS

1 I was in China for some time, but I have never heard
2 of OKAWA conducting or carrying on propaganda speeches
3 then or while I was serving in Matsue.

4 Q Do you know the place called K-e-n-r-y-u-t-e-r
5 Inn in Tokyo?

6 A Yes, I have heard of the name.

7 Q Did you accompany HASHIMOTO to that place
8 and meet Doctor OKAWA there?

9 A I have no recollection.

10 Q Do you ever recall seeing Doctor OKAWA
11 there?

12 A No. I cannot recall.

13 Q In paragraph 8 of your affidavit you make
14 the statement that Colonel HASHIMOTO had never met
15 ITAGAKI, DOHIHARA, ISHIHARA, et cetera, of the Kwantung
16 Army at or about the time of the Manchurian Incident.
17 To what other persons are you referring when you
18 use the expression "and so forth" or "et cetera"?

19 A I use the word ra there because there were
20 three men.

21 Q I am not asking you about the three men.
22 That is perfectly plain. I am asking you about the
23 language "et cetera." To whom were you referring?
24

25 MR. HAYASHI: I wish to make an explana-
tion concerning the question that has just been

WACHI

CROSS

1 asked.

2 MR. TAVENNER: If your Honor please, I
3 prefer to have the explanation by the witness.

4 MR. HAYASHI: In the Japanese language
5 when the names of over two persons are listed, it
6 is customary to put the word ra after it. That
7 does not mean that there were others referred to
8 by that word.

9 THE PRESIDENT: Mr. Tavenner, does that
10 affect your attitude?

11 MR. TAVENNER: I would much prefer to have
12 had the answer from the witness.

13 THE PRESIDENT: We must hear counsel when
14 they come to the lectern.

15 A It is exactly as defense counsel has just
16 explained.

17 Q Thank you.

18 Now, you don't know of your own knowledge
19 whether or not HASHIMOTO had met ITAGAKI, DOHIHARA,
20 OR ISHIHARA prior to April 1931, do you?

21 A I am a very intimate friend of HASHIMOTO.
22 If I should meet him he would tell me everything.

23 THE MONITOR: If he should meet them he
24 would surely tell me about it.

25 Q Then, your testimony is based upon the fact

WACHI

CROSS

1 that HASHIMOTO didn't tell you whether or not he
2 had met those three individuals?

3 A Yes.

4 Q Did HASHIMOTO tell you about the directions
5 he gave OKAWA?

6 A Such direction was never given.

7 Q How do you know?

8 A HASHIMOTO has pledged to me he will never
9 use civilians.

10 Q So again you are basing your testimony
11 on what Mr. HASHIMOTO told you.

12 Now, you also state in your affidavit that
13 there was no occasion at which the liaison was
14 established with these people, that is ITAGAKI,
15 DOHIHARA, and ISHIHARA by means of telephone, tele-
16 gram, or any other means. Please tell us the basis
17 of that statement by you.

18 A At the time of the October Incident I was
19 arrested and sent and put up at a Japanese inn in
20 Utsunomiya. At that place and at that time and
21 at the same place there were two other army officers,
22 namely, Lieutenant AMANO and Lieutenant NODA, put
23 up at the inn, and I was held there for fifteen
24 days. This Lieutenant HASHIMOTO -- AMANO was assigned
25 to the same section in the General Staff as

WACHI

CROSS

1 HASHIMOTO and worked as a sort of secretary to
2 HASHIMOTO. We spent fifteen days together at the
3 same inn without any particularly -- without any
4 business or anything to do, and AMANO told me every-
5 thing in the course of our discussions on many and
6 various subjects about the October Incident and
7 about matters prior to the October Incident, and he
8 told me that he, AMANO, had handled all telephone
9 calls, telegrams, and letters sent out by HASHIMOTO,
10 and told me very positively that there was no such
11 case as his having communicated with such people.

12 THE PRESIDENT: We will adjourn until half-
13 past nine tomorrow morning.

14 (Whereupon, at 1600 an adjournment was
15 taken until Thursday, April 10, 1947
16 at 0930.)

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